

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OHIO
WESTERN DIVISION

Granted.

9:54 AM, May 2, 2024

ANNE M. BUTLETT,
Plaintiff,

v.

MARTIN O'MALLEY,¹
Commissioner of Social Security,
Defendant.

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Case No.: 3:22-cv-00281

Magistrate Judge Litkovitz



**JOINT STIPULATION FOR AN AWARD OF ATTORNEY'S FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

Plaintiff and Defendant, by their respective counsel, stipulate to an award to Plaintiff of attorney fees in the amount of \$5,150.00 in full satisfaction and settlement of any and all claims Plaintiff may have under the Equal Access to Justice Act (EAJA) in the above case. Prior to Plaintiff filing an EAJA petition, the parties jointly reached a resolution to settle EAJA fees in this case. This Stipulation represents a compromise on disputed positions and is not intended to set precedent for, or a representation of, any specific hourly rate or total number of hours.

The award of attorney fees will satisfy all of Plaintiff's claims for fees, costs, and expenses under 28 U.S.C. § 2412 in this case. Any fees paid belong to Plaintiff, and not Plaintiff's attorney, can be offset to satisfy pre-existing debt that the litigant owes the United States under *Astrue v. Ratliff*, 130 S.Ct. 2521, 560 U.S. 586 (2010). Plaintiff and Defendant move that the Court award Plaintiff EAJA fees of \$5,150.00.

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

After the Court enters this award, if counsel for the parties can verify that Plaintiff owes no pre-existing debts subject to offset, Defendant agrees to direct that the award be made payable to Plaintiff's attorney pursuant to the EAJA assignment duly signed by Plaintiff.

Respectfully Submitted,

s/ Clifford M. Farrell²

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Counsel for Plaintiff

KENNETH PARKER
UNITED STATES ATTORNEY
SOUTHERN DISTRICT OF OHIO

/s/ Jeremiah D. Hayes

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Counsel for Defendant

² Clifford M. Farrell gave Jeremiah Hayes permission via email to electronically sign on his behalf on May 1, 2024.

CERTIFICATE OF SERVICE

I hereby certify that, I electronically filed the foregoing Joint Stipulation with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all parties of record.

Dated: May 1, 2024

s/Jeremiah D. Hayes

Jeremiah D. Hayes
Special Assistant United States Attorney
Social Security Administration